

# Exhibit C

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*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. 3:10-cv-03561-WHA

**ORACLE AMERICA, INC.'S  
SECOND AMENDED INITIAL  
DISCLOSURES**

Judge: Honorable William Alsup

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and 26(e), Plaintiff Oracle America, Inc. ("Oracle") hereby provides these supplemental and amended initial disclosures. Oracle has made a reasonable and good faith effort to make the initial disclosures provided herein, including providing general descriptions of documents, and identifying persons who may have knowledge of pertinent information, relating to the issues in this action. However, Oracle's investigation of its claims and defenses in this action is ongoing. Other potential witnesses and/or documents may be identified and become significant as discovery proceeds and as the case develops, and therefore, Oracle reserves the right to supplement these disclosures.

**I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT ORACLE MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES (FED. R. CIV. P. 26(a)(1)(A)(i)).**

The persons Oracle believes are likely to have discoverable information that Oracle may use to support its claims and defenses are:

Name, Address, Telephone	Subject
Greg Bollella Contact through counsel for Oracle	Java development
Roger Calnan Contact through counsel for Oracle	Java development and distribution
Andrew Carr Contact through counsel for Oracle	Java distribution
Safra Catz Contact through counsel for Oracle	Oracle's business; Oracle's acquisition of Sun; Java business models, business plans, and associated financial data; license discussions between Oracle and Google
Neal Civjan Former Oracle employee	Java licensing and sales, including negotiations with Google
Patrick Curran Contact through counsel for Oracle	Java standards, JCP, and open Java
Bill Daly Contact through counsel for Oracle	Oracle financial data
Don Deutsch Contact through counsel for Oracle	Java standards, JCP, and open Java, Java revenues and business
Larry Ellison Contact through counsel for Oracle	History of Oracle; Oracle's business; Oracle's acquisition of Sun; Java business models and business plans; license discussions between Oracle and Google
Gustavo Galimberti Contact through counsel for Oracle	Java development, Java licensing, Java distribution and support

Name, Address, Telephone	Subject
Craig Gering Former Oracle employee	Java development, licensing, and testing
Ivgen Guner Contact through counsel for Oracle	Oracle financial data
Vineet Gupta Former Oracle employee	Java sales and licensing, including negotiations with Google
Steve Harris Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans
Jeannette Hung Contact through counsel for Oracle	Java development
Thomas Kurian Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans; license discussions between Oracle and Google
Jacob Lehrbaum Contact through counsel for Oracle	Java licensing and copyrights
Matthew Mayerson Contact through counsel for Oracle	Software distribution
Kerry McGuire Contact through counsel for Oracle	Java business and revenues
John Pampuch Contact through counsel for Oracle	Java VM technology
Bill Pittore Contact through counsel for Oracle	Java VM development
Nandini Ramani Contact through counsel for Oracle	Java Development
Mark Reinhold Contact through counsel for Oracle	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Hasan Rizvi Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans; license discussions between Oracle and Google
Susan Roach Contact through counsel for Oracle	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Bill Shannon Contact through counsel for Oracle	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Param Singh Contact through counsel for Oracle	Mobile Java development and business plan
Guy Steele Contact through counsel for Oracle	Java development
Brian Sutphin Contact through counsel for Oracle	Java licensing and business, including negotiations with Google, Java business plans

Name, Address, Telephone	Subject
Ken Glueck Contact through counsel for Oracle	License discussions between Oracle and Google; Java business models and business plans
Michael Pfefferlen Contact through counsel for Oracle	Java sales and licensing, including negotiations with Google
Adam Messinger Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans
Bhaskar Gorti Contact through counsel for Oracle	Oracle's business
Jeet Kaul Former Oracle employee	Java licensing and business
Kathleen Knopoff Former Sun employee	Java licensing and business
Leo Cizek Contact through counsel for Oracle	Java licensing and business, including negotiations with Google, Java business plans
Lino Persi Contact through counsel for Oracle	Java licensing and business
Noel Poore Contact through counsel for Oracle	Mobile Java development and business plan
Geoffrey Morton Contact through counsel for Oracle	Java licensing and business
Ed Washington Contact through counsel for Oracle	Java licensing and business
Govind Vedantham Contact through counsel for Oracle	Java licensing and business
Martin Lister Former Oracle Employee	Java licensing and business
Nachi Periakaruppan Former Oracle Employee	Java licensing and business
Brian Faye Contract through counsel for Oracle	Java licensing and business
Rajiv Mordani Contact through counsel for Oracle	Java development
Joe (Huizhe) Wang Contact through counsel for Oracle	Java development
Lars Bak Google employee	Inventor of U.S. Patent No. 6,910,205
Nedim Fresko 121 Lincoln Way San Francisco, CA 94122-2717	Inventor of U.S. Patent Nos. 5,966,702 and 7,426,720
Li Gong Mozilla Foundation 650 Castro Street, Suite 300 Mountain View, CA 94041-2072 lgong@mozilla.com	Inventor of U.S. Patent Nos. 6,125,447 and 6,192,476

Name, Address, Telephone	Subject
James Gosling Google employee	Inventor of U.S. Patent No. RE38,104
Robert Griesemer Google employee	Inventor of U.S. Patent No. 6,910,205
Richard Tuck 343 Hill Street San Francisco, CA 94114-2916	Inventor of U.S. Patent Nos. 5,966,702 and 6,061,520
Frank Yellin Google employee	Inventor of U.S. Patent No. 6,061,520
Representatives of Google, including witnesses identified in Google's initial and Second Amended Disclosures and individuals included in Google's custodial collection	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Joshua Bloch Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Dan Bornstein Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Bill Buzbee Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Eric Chu Google employee	Java license negotiations between Google and Sun
Gregorz Czajkowski Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Tim Lindholm Google employee	Java license negotiations between Google and Sun
Rich Miner Google employee	Java license negotiations between Google and Sun
Larry Page Google employee	Knowledge of Oracle's Java-related intellectual property; Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues; license discussions between Google and Oracle

Name, Address, Telephone	Subject
Andy Rubin Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, revenues, and license negotiations between Google and Oracle
Eric Schmidt Google employee	Java development; knowledge of Oracle's Java-related intellectual property; Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues; license discussions between Google and Oracle
Representatives of manufacturers and distributors of Android devices	Android distribution, revenues, infringement
Alan Brenner RIM/Blackberry employee	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Ethan Beard Facebook employee	Java license negotiations between Google and Sun
Rich Green Nokia employee	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Individuals identified by Google in response to Oracle's interrogatory as having been involved in the development of Android	Android development
Other former employees of Sun and Oracle as referenced in Google's Disclosures, including but not limited to:  Noreen Krall Scott McNealy	Java development, distribution, licensing, business models, and business plans; license discussions between Oracle and Google; the patents-in-suit; the asserted copyrights; and issues related thereto
Individuals identified as custodians of documents by any party in response to discovery requests or by third party in response to a subpoena in this action.	Issues raised by the documents in question.
All persons to be identified as expert witnesses pursuant to and at the time required by this Court's orders regarding disclosure of such witnesses.	To be disclosed in accordance with the Court's rules regarding expert disclosure.
All persons noticed for deposition and deposed by either Oracle or Google in this litigation.	Issues within the scope of the examination of the witness in his/her deposition.

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2           **II.       DOCUMENTS (FED. R. CIV. P. 26(a)(1)(A)(ii)).**

3           Oracle discloses and describes by category the following documents, electronically-stored  
4 information, data compilations and tangible things that are or may be in the possession, custody  
5 or control of Oracle that Oracle currently and reasonably believes it may use to support its claims  
6 or defenses:

- 7                   1.       U.S. Patent No. 6,125,447 and related files.  
8                   2.       U.S. Patent No. 6,192,476 and related files.  
9                   3.       U.S. Patent No. 5,966,702 and related files.  
10                  4.       U.S. Patent No. 7,426,720 and related files.  
11                  5.       U.S. Patent No. RE38,104 and related files.  
12                  6.       U.S. Patent No. 6,910,205 and related files.  
13                  7.       U.S. Patent No. 6,061,520 and related files.  
14                  8.       U.S. Certificate of Copyright Registration for J2SE 1.4, the copyrighted  
15 work, and related files.  
16                  9.       U.S. Certificate of Copyright Registration for J2SE 5.0, the copyrighted  
17 work, and related files.  
18                  10.      U.S. Certificate of Supplemental Copyright Registration for J2SE 5.0 and  
19 related files.  
20                  11.      Documents evidencing the conception, development, reduction to practice,  
21 and design of the inventions claimed by the patents at issue.  
22                  12.      Documents relating to the history and development of the Java platform.  
23                  13.      Java releases and related documentation.  
24                  14.      Documents evidencing sales, distribution, deployment, and use of Java  
25 products.  
26                  15.      Documents offered as exhibits at deposition.  
27                  16.      Java-related contracts, licenses, and pricing models.  
28                  17.      Sun and Oracle Java business plans and financial results.



18. Documents evidencing Google's knowledge of the Sun patent portfolio, including documents relating to licensing of the Java IP rights by Google and Google's participation in the Java Community Process.
19. Android releases and related documentation.
20. Google marketing, advertising, and press releases, and statements regarding Android, Android devices, Android distribution and deployment, and revenues attributable to Android.
21. Public and third-party reports, releases, and statements regarding the distribution and deployment of Android devices, and the impact of Android and Android devices on the use, distribution, and deployment of the Java platform and Java devices.
22. Documents relating to each type and category of damages described in Section III below, including license fees, revenue from and profitability of Java and related Oracle businesses, and Oracle's and Google's business models for the relevant lines of business.

The above documents are maintained primarily at one or more Oracle locations in California (Santa Clara, Redwood Shores, and Menlo Park) and Broomfield, Colorado, depending on the location of the various individuals identified above. Oracle has otherwise produced and is continuing to produce documents that Oracle reasonably believes it may use to support its claims or defenses.

### **III. INITIAL DISCLOSURES REGARDING COMPUTATION OF DAMAGES (FED. R. CIV. P. 26(a)(1)(A)(iii)).**

Based on Court order (Dkt. No. 230), a revised and/or new damages expert report will be provided on September 12, 2011, subject to possible supplementation thereafter. Oracle has otherwise provided information regarding the computation of damages in response to Google's interrogatories, and Oracle incorporates both by reference into these amended disclosures. As noted previously, Oracle has not completed its calculation for monetary damages as it will require expert evaluation of information in Google's possession and further supplementation after further

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2 productions of documents by Google. Oracle otherwise incorporates by reference its initial  
3 disclosures.

4 **IV. INITIAL DISCLOSURES REGARDING INSURANCE**  
5 **(FED. R. CIV. P. 26(a)(1)(A)(iv)).**

6 Oracle is unaware of any insurance agreement under which an insurance business may be  
7 liable to satisfy all or part of a judgment in this action or to indemnify or reimburse for payments  
8 made to satisfy any judgment.

9 Dated: August 10, 2011

BOIES, SCHILLER & FLEXNER LLP

10  
11 By: /s/ Alanna Rutherford  
Alanna Rutherford

12 *Attorneys for Plaintiff*  
13 ORACLE AMERICA, INC.  
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**CERTIFICATE OF SERVICE**

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 755 Page Mill Road, Palo Alto, California 94304-1018. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on August 10, 2011, I served a copy of:

**ORACLE AMERICA, INC.'S SECOND AMENDED INITIAL DISCLOSURES**

**BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)]** by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

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I declare under penalty of perjury that the foregoing is true and correct.

Executed at Palo Alto, California, this 10th day of August, 2011.

Yuka Teraguchi  
(typed)

/s/ Yuka Teraguchi  
(signature)